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March 30, 2004

## **HAND DELIVERY**

Michael A. Roberts, Esq.  
Graydon, Head & Ritchey LLP  
1900 Fifth Third Center  
511 Walnut Street  
Cincinnati, OH 45202-3157

**Re: Eric L. Jeffries v. Centre Life Insurance Company, et al.  
Case No. C-1-02-351**

Dear Mike:

Enclosed are the following:

1. A document listing the nine case captions of "bad faith" suits filed against Defendants in the states encompassing the Sixth Circuit;
2. Copies of materials received in response to subpoenas issued to Provident Bank and Mr. Edwards/American Insurnet are enclosed. The Provident Bank materials are Bates labeled PROV 0001-0078. The American Insurnet documents are Bates numbered AI 0001-0049. I have not included the Prudential claims file we received because you presumably already have it and because it is quite voluminous. Other subpoenas issued to Mr. Jeffries' treating physicians and/or expert witnesses (such as Dr. Hawkins, Dr. Nunlist-Young, Dr. McClellan, Dr. Shearer, Dr. Fritz, Dr. Geier, Dr. Poser, Dr. Hyde and Dr. Pretorius) generated documents that were produced at the depositions of these individuals and, except for Dr. Hyde and Dr. Fritz, were made available to you at that time of their depositions. With regard to Dr. Hyde, he has still not yet produced his entire file despite numerous requests. Because of the mix up involving Dr. Fritz's deposition, I have enclosed the documents she produced at that time. In any event, any documents we obtained by subpoena were available to you as records of your client's treating physician or as files of your experts. With regard to subpoenas to Dr. Bastian, Dr. Sandman and Dr. Waisbren, their depositions were not taken and I do not believe we received any documents from them. Nonetheless, I am rechecking our records to confirm that fact.
3. Last Monday, at the hearing before Judge Hogan, I gave you copies of the materials identified as withheld in our privilege log that you identified in your March 8, 2004

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letter. As you know, based on our September 18, 2003 letters to you it was my understanding that these documents along with the surveillance tapes had already been produced. I take it that you have the surveillance tapes in hand.

With regard to documents which are the subject of Magistrate Judge Hogan's March 23, 2004 Order, I am enclosing a Stipulated Protective Order. Once that is filed with the Court, we will produce the financial information as ordered by Judge Hogan under the terms of this Protective Order. These financial materials will be in my office by April 1, 2004. Similarly, with regard to the Administrative Services Agreement, it will be produced as soon as the Protective Order is placed of record. With regard to the redactions of documents Bates numbered 016-099, unredacted copies of these documents are being sent to me. As soon as the Protective Order is placed of record and I have these documents in my possession, I will produce copies of them to you. Finally, with regard to the backup tape search, I have been advised that the retrieval has been completed. As you will recall, because the tapes were backed up on a monthly basis, many of the same documents appear month after month. Because they are printing all of this repetitive material, it took several days to complete the retrieval. I will have the documents in my office by March 31, 2004.

Very truly yours,

  
William R. Ellis

WRE/smk  
Enclosures

cc: Magistrate Judge Timothy S. Hogan (w/enc. - Protective Order)  
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